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12th Floor - Seven Penn Center

1635 Market Street

Philadelphia, PA 19103-2212

(215) 567-2010

Fax : (215) 751-1142

Sender's e-mail: dmtener@crbcp.com

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Alan H. Bernstein
Stanley H. Cohen
Manny D. Pokotilow
Barry A. Stein
Martin L. Faigus
Eric S. Marzluf
Robert S. Silver
Michael J. Berkowitz
Scott M. Slomowitz*
Mona Gupta

David M. Tener
Salvatore R. Guerriero*
James J. Kozuch
William J. Castillo†
Frank M. Linguiti
Gary A. Greene
Michael J. Cornelison
Bruce J. Chasan
Marina E. Volin

A.D. Caesar
(1901-1995)
Charles W. Rivise
(1900-1951)
Counsel
Allan H. Fried
Of Counsel
Max Goldman*

* Also admitted to practice in NJ
† Admitted only in NJ and NY

FACSIMILE TRANSMITTAL SHEET

December 4, 2002

TO: United States Patent and Trademark Office
ATTN: EXAMINER S. CHUNDURU
FACSIMILE NO.: (703) 305-3014
FROM: David M. Tener, Esq.
NO. OF PAGES: 9 (Including Cover)

Group Art Unit : 1637

Our Reference No.: E1047/20056

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COMMENTS:

Applicant(s): Glen H. ERIKSON et al.

Serial No.: 09/885,731

Group Art Unit: 1637

Filed: June 20, 2001

Examiner: S. CHUNDURU

Att. Docket No.: E1047/20056

Confirmation No.: 6800

For: NUCLEIC ACID MULTIPLEX FORMATION

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PTO/SB/21 (08-00)

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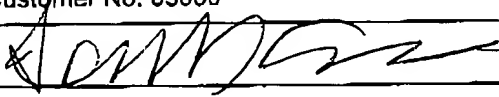
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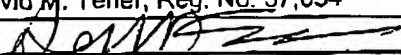
<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p> <p style="text-align: center;">6 with 61 Total Number of Pages In This Submission attachments</p>	Application Number	09/885,731
	Filing Date	June 20, 2001
	First Named Inventor	Glen H. ERIKSON
	Group Art Unit	
	Examiner Name	
Attorney Docket Number		E1047/20056

ENCLOSURES (check all that apply)		
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Remarks The Office is authorized to charge or credit our Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd. Customer No. 03000
Signature	
Date	November 1, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>November 1, 2001</u>			
Typed or printed name	David M. Tener, Reg. No. 37,054		
Signature		Date	November 1, 2001

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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION**

Applicant(s): Glen H. ERIKSON et al.

Serial No: 09/885,731

Group Art Unit: 1637

Filed: June 20, 2001

Examiner: S. Chunduru

Att. Docket No.: E1047/20056

Confirmation No.: 6800

For: NUCLEIC ACID MULTIPLEX FORMATION

**REQUEST FOR CONSIDERATION OF IDS
AND REMAILING OF OFFICE ACTION**

Commissioner for Patents
Washington, DC 20231

Sir:

An Office Action in the above-identified application was mailed from the PTO on November 6, 2002. The Office Action at Paragraph 1 purports to make record consideration of an Information Disclosure Statement (IDS) filed "December 7, 2002". Assuming that this refers to the IDS received by the PTO December 7, 2001 (mailed November 1, 2001 with a certificate of mailing) initialed copies of the Forms PTO-1449 attached to that IDS were not included with the Office Action. The initialed Form PTO-1449 attached to the Office Action belongs to an IDS filed April 18, 2002. The initialed Form PTO-1449 constitutes acknowledgment of record consideration of the April 18, 2002 IDS.

In view of the foregoing information, it is unclear whether the Examiner considered the November 1, 2001 IDS or mistakenly identified the April 18, 2002 IDS as being the November 1, 2001 IDS. In any event, the Examiner has not acknowledged consideration of a third IDS filed April 5, 2002.

Copies of the corresponding date-stamped postcard receipts are attached. The IDSs were filed with Certificates of Mailing, as evidenced by the attached copies of the respective Transmittal Forms (complete courtesy copies of the IDSs are available upon request), and should have been considered by the Examiner in

Application No. 09/885,731

preparing the Office Action. Accordingly, Applicants respectfully request the Examiner to withdraw the Office Action, review all of the IDSs and issue a new Office Action making record consideration of the references cited in all the IDSs.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOV, LTD.

December 4, 2002

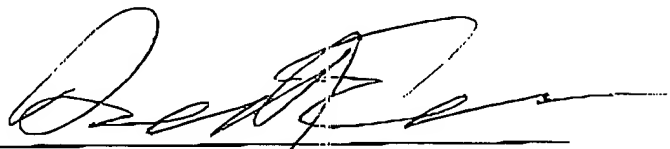
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By 

David M. Tener
Registration No. 37,054
Customer No. 03000
(215) 567-2010
Attorneys for Applicants

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I hereby certify that this correspondence re Application No. 09/885,731 is being transmitted via facsimile to Examiner S. Chunduru of Group Art Unit 1637 of the United States Patent and Trademark Office at (703) 305-3014 on this 4th day of December, 2002.


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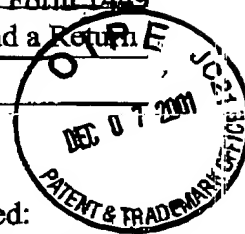
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Serial No. : 09/885,731
For : NUCLEIC ACID MULTIPLEX FORMATION
Filed : June 20, 2001 Group Art :
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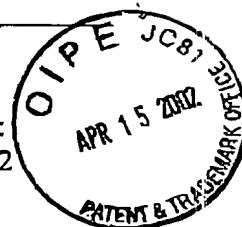
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Serial No. : 09/885,731
For : NUCLEIC ACID MULTIPLEX FORMATION
Filed : June 20, 2001 Group Art :
Examiner : Confirmation No. : 6800

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